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09/645,108	08/23/2000	Steven H. Peth		2517

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EXAMINER

GREENE, DANIEL L

ART UNIT PAPER NUMBER

3621

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/645,108

Applicant(s)

PETH, STEVEN H.

Examiner

Daniel L. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION
Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 1/22/01 was filed after the mailing date of the Application on 8/23/00. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 3,6,9,15,18(f),22, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The term "substantially real-time" is indefinite.

3. Claims 4(m), 11(k), 21(d), and 29 rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The term "about X minutes" is indefinite. For this Office Action, the Examiner will ignore the term "about" and treat each claim as if it had a set time period.

4. Where applicant acts as his or her own lexicographer to specifically define a term, the written description must clearly define the claim term and set forth the

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definition so as to put one reasonably skilled in the art on notice that the applicant intended to so define that claim term. The term "foreign key" in claim 27 seems to appear only in the specifications on page 10, line 29. It is in the section referencing attributes. The term is indefinite because the specification does not clearly define the term.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,5,7,8,10-14,16-21,23-29, and 31 are rejected under 35 U.S.C.

103(a) as being unpatentable over Lebda et al. US 6,385,594 [Lebda '594] and Mandler et al. US 5,732,400 [Mandler '400]

As per claim 1:

Lebda '594 discloses:

- (a) Receiving over the Internet buyer registration information; Col. 3, line 6.
- (b) Evaluating a credit rating for said buyer; Col. 3, lines 11-13.

- (c) Passing over the Internet said credit rating to a seller; Col. 5, lines 1-30.
- (d) Receiving over the Internet from said seller seller's credit options for said buyer; Col. 4, lines 42-67.
- (e) Determining other credit provider's credit options for said buyer; Figs. 6-8.
- (f) Creating a database of said credit options for said buyer; Fig. 6,7, and 8.
- (h) Querying said database with query criteria specific to said order, thereby resulting in a report of credit options for said buyer for said order; Col. 6, lines 1-50.
- (i) Passing over the Internet said report to said buyer; Col. 6, lines 1-10.
- (j) Receiving over the Internet said buyer's selection of a credit option; Col. 6, lines 38-50.
- (g) Lebda '594 discloses the claimed invention except for the receiving over the Internet an order for said buyer. Mandler '400 teaches that it is known in the art to provide for the receiving over the Internet an order for said buyer. Col. 7, lines 1-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system for coordinating a loan of Lebda '594 with the receiving over the Internet an order for said buyer of Mandler '400, in order to begin the purchase transaction.
- (k)-(l) Lebda '594 discloses the claimed invention except for passing over the Internet a payment schedule for said buyer, and receiving payment remitted from said buyer. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to pass over the Internet a payment schedule for said buyer, and receiving payment remitted from said buyer since it is known in the art that loans

and or credit sales have payment schedules that can be pay in full at the end of the month, i.e. American Express or minimum/incremental payments, i.e. Master Card or institutional loans.

As per claim 2:

Lebda '594 further discloses:

wherein said creating step (f) occurs on a predetermined schedule, in response to pre-determined triggering events, upon a seller's or credit provider's request, and mixtures thereof. Col. 3, lines 1-25.

As per claim 4:

Lebda '594 discloses:

- (a) Receiving over the Internet buyer registration information; Col. 3, line 6.
- (b) Evaluating a credit rating for said buyer; Col. 3, lines 11-13.
- (c) Passing over the Internet said credit rating to a seller; Col. 5, lines 1-30.
- (d) Receiving over the Internet from said seller seller's credit options for said buyer; Col. 4; lines 42-67.
- (e) Determining other credit provider's credit options for said buyer; Figs. 6,7, and 8.
- (f) Creating a database of said credit options for said buyer; Fig. 6,7, and 8.
- (h) Querying said database with query criteria specific to said order, thereby resulting in a report of credit options for said buyer for said order; Col. 6, lines 1-50.

(i) Passing over the Internet said report to said buyer; Col. 6, lines 1-10.

(j) Receiving over the Internet said buyer's selection of a credit option; Col. 6, lines 38-50.

(g) Lebda '594 discloses the claimed invention except for the receiving over the Internet an order for said buyer. Mandler '400 teaches that it is known in the art to provide for the receiving over the Internet an order for said buyer. Col. 7, lines 1-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system for coordinating a loan of Lebda '594 with the receiving over the Internet an order for said buyer of Mandler '400, in order to begin the purchase transaction.

(k)-(l) Lebda '594 discloses the claimed invention except for passing over the Internet a payment schedule for said buyer, and receiving payment remitted from said buyer. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to pass over the Internet a payment schedule for said buyer, and receiving payment remitted from said buyer since it is known in the art that loans and or credit sales have payment schedules that can be pay in full at the end of the month, i.e. American Express or minimum/incremental payments, i.e. Master Card or institutional loans.

Lebda '594 discloses the claimed invention, as discussed above, except for the step of wherein the time elapsed between said receiving step (g) and said passing step (i) is less than about five minutes. It would have been an obvious matter of design choice to modify the teachings of Lebda '594, to provide the step of wherein the time

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elapsed between said receiving step (g) and said passing step (i) is less than about five minutes. Since the applicant has not disclosed that wherein the time elapsed between said receiving step (g) and said passing step (i) is less than about five minutes, solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Lebda '594 will perform the invention as claimed by the applicant with any means, method, or product to wherein the time elapsed between said receiving step (g) and said passing step (i) is less than about five minutes.

As per claim 5:

Lebda '594 further discloses:

creating step (f) occurs on a predetermined schedule, in response to pre-determined triggering events, upon a seller's or credit provider's request, and mixtures thereof. Col. 3, lines 1-25.

As per claim 7:

Lebda '594 discloses:

- (a) Evaluating a credit rating for said buyer; Col. 3, lines 11-13.
- (b) Passing said credit rating to a seller; Col. 5, lines 1-30.
- (c) Receiving from said seller seller's credit options for said buyer; Col. 4, lines 42-67.

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(d) Determining other credit provider's credit options for said buyer; Figs. 6-8.

(e) Creating a database combining all of said credit options for said buyer; Figs.

6-8

(f) Retrieving from said databases a report of credit options for said buyer;

Col. 6, lines 1-50.

(g) Passing said report to said buyer; Col. 6, lines 1-10.

(h) Entering a credit agreement with said buyer for at least one of said credit options; Col. 6, lines 38-50.

Claims I-j is rejected under 35 U.S.C. 103 as being unpatentable over Lebda '594.

Lebda '594 teaches all of the elements claimed with the exception of passing funds borrowed pursuant to said credit agreement to said buyer or the buyer's designated recipient, and (j), receiving funds from said buyer in repayment of said borrowed funds pursuant to said credit agreement. The examiner takes Official Notice that passing funds borrowed pursuant to said credit agreement to said buyer or the buyer's designated recipient, and (j), receiving funds from said buyer in repayment of said borrowed funds pursuant to said credit agreement is a common practice in acquiring loans to insure that the borrower has earnest money committed to the loan.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of passing funds borrowed pursuant to said credit agreement to said buyer or the buyer's designated recipient, and (j), receiving funds from said buyer in repayment of said borrowed funds pursuant to said credit agreement because the skilled artisan would have recognized that this business practice of passing

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funds borrowed pursuant to said credit agreement to said buyer or the buyer's designated recipient, and (j), receiving funds from said buyer in repayment of said borrowed funds pursuant to said credit agreement and is clearly applicable to obtaining a loan. These advantages are well known to those skilled in the art.

As per claim 8:

Lebda '594 further discloses :

wherein said creating step (e) occurs on a predetermined schedule, in response to predetermined triggering events, upon a seller's or credit provider's request, and mixtures thereof. Col. 3, lines 1-25.

As per claim 10:

Lebda '594 further discloses:

wherein said passing, retrieving, and receiving steps occur over a network comprising the Internet. Col. 3, line 6.

As per claim 11.

Lebda '594 discloses:

- (a) Evaluating a credit rating for said buyer; Col. 3, lines 11-13.
- (b) Passing said credit rating to a seller; Col. 5, lines 1-30.
- (c) Receiving from said seller seller's credit options for said buyer; Col. 4, lines 42-67.

- (d) Determining other credit provider's credit options for said buyer; Figs. 6-8.
- (e) Creating a database combining all of said credit options for said buyer; Figs. 6-8.
- (f) Retrieving from said database a report of credit options for said buyer; Col. 6, 1-50.
- (g) Passing said report to said buyer; Col. 6, lines 1-10.
- (h) Entering a credit agreement with said buyer for at least one of said credit options; Col. 6, lines 38-50.

Claims I-j are rejected under 35 U.S.C. 103 as being unpatentable over Lebda '594. Lebda '594 teaches all of the elements claimed with the exception of passing funds borrowed pursuant to said credit agreement to said buyer or the buyer's designated recipient, and (j), receiving funds from said buyer in repayment of said borrowed funds pursuant to said credit agreement. The examiner takes Official Notice that passing funds borrowed pursuant to said credit agreement to said buyer or the buyer's designated recipient, and (j), receiving funds from said buyer in repayment of said borrowed funds pursuant to said credit agreement is a common practice in acquiring loans to insure that the borrower has earnest money committed to the loan.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of passing funds borrowed pursuant to said credit agreement to said buyer or the buyer's designated recipient, and (j), receiving funds from said buyer in repayment of said borrowed funds pursuant to said credit agreement because the skilled artisan would have recognized that this business practice of passing funds borrowed pursuant to said credit agreement to said buyer or the buyer's

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designated recipient, and (j), receiving funds from said buyer in repayment of said borrowed funds pursuant to said credit agreement and is clearly applicable to obtaining a loan. These advantages are well known to those skilled in the art.

Lebda '594 discloses the claimed invention, as discussed above, except for the step of wherein the time elapsed between said receiving step (f) and said passing step (i) is less than about three minutes. It would have been an obvious matter of design choice to modify the teachings of Lebda '594, to provide the step of wherein the time elapsed between said receiving step (f) and said passing step (i) is less than about three minutes. Since the applicant has not disclosed that wherein the time elapsed between said receiving step (f) and said passing step (i) is less than about three minutes, solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Lebda '594 will perform the invention as claimed by the applicant with any means, method, or product to wherein the time elapsed between said receiving step (f) and said passing step (i) is less than about three minutes.

As per claim 12:

Lebda '594 further discloses:

wherein said passing, retrieving, and receiving steps occur over a network comprising the Internet. Col. 3, line 6.

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As per claim 13:

Lebda '594 further discloses:

wherein said creating step (e) occurs on a predetermined schedule, in response to predetermined triggering events, upon a seller's or credit provider's request, and mixtures thereof. Col. 3, lines 1-25.

As per claim 14:

Lebda '594 discloses:

- (a) Creating a database of credit options for a buyer; Fig. 6-8.
- (c) Querying said database with query criteria specific to said buyer and to said order, thereby resulting in a report of credit options for said buyer for said order; Col. 6, lines 1-50.
- (d) Passing said report over said network to said buyer; Col. 6, lines 1-10.
- (e) Receiving over said network said buyer's selection of a credit option. Col. 6, lines 38-50.

Lebda '594 discloses the claimed invention except for the receiving over the Internet an order for said buyer. Mandler '400 teaches that it is known in the art to provide for the receiving over the Internet an order for said buyer. Col. 7, lines 1-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system for coordinating a loan of Lebda '594 with the receiving over the Internet an order for said buyer of Mandler '400, in order to begin the purchase transaction.

As per claim 16:

Lebda '594 further discloses:

wherein said creating step (a) occurs on a predetermined schedule, in response to predetermined triggering events, upon a seller's or credit provider's request, and mixtures thereof. Col. 3, lines 1-25.

As per claim 17:

Lebda '594 further discloses:

wherein said network comprises the Internet. Col. 3, line 6.

As per claim 18:

Lebda '594 discloses:

- (a) Creating a database of credit options for a buyer; Fig. 6-8.
- (c) Querying said database with query criteria specific to said buyer and to said order, thereby resulting in a report of credit options for said buyer for said order; Col. 6, lines 1-50.
- (d) Passing said report over said network to said buyer; Col. 6, lines 1-10.
- (e) Receiving over said network said buyer's selection of a credit option; Col. 6, lines 38-50.

Lebda '594 discloses the claimed invention except for the receiving over the Internet an order for said buyer. Mandler '400 teaches that it is known in the art to

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provide for the receiving over the Internet an order for said buyer. Col. 7, lines 1-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system for coordinating a loan of Lebda '594 with the receiving over the Internet an order for said buyer of Mandler '400, in order to begin the purchase transaction.

As per claim 19:

Lebda '594 further discloses:

wherein said creating step (a) occurs on a predetermined schedule, in response to predetermined triggering events, upon a seller's or credit provider's request, and mixtures thereof. Col. 3, lines 1-25.

As per claim 20:

Lebda '594 further discloses:

wherein said network comprises the Internet. Col. 3, line 6.

As per claim 21:

Lebda '594 discloses:

- (a) Creating a database of credit options for a buyer; Fig. 6-8.
- (c) Querying said database with query criteria specific to said buyer and to said order, thereby resulting in a report of credit options for said buyer for said order; Col. 6, lines 1-50.

- (d) Passing said report over said network to said buyer, Col. 6, lines 1-10
- (e) Receiving over said network said buyer's selection of a credit option. Col. 6, lines 38-50.

Lebda '594 discloses the claimed invention, as discussed above, except for the step of wherein the time elapsed between said receiving step (b) and said passing step (d) is less than about two minutes. It would have been an obvious matter of design choice to modify the teachings of Lebda '594, to provide the step of wherein the time elapsed between said receiving step (b) and said passing step (d) is less than about two minutes. Since the applicant has not disclosed that wherein the time elapsed between said receiving step (b) and said passing step (d) is less than about two minutes, solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Lebda '594 will perform the invention as claimed by the applicant with any means, method, or product to wherein the time elapsed between said receiving step (b) and said passing step (d) is less than about two minutes.

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As per claim 23:

Lebda '594 further discloses:

wherein said creating step (a) occurs on a predetermined schedule, in response to predetermined triggering events, upon a seller's or credit provider's request, and mixtures thereof. Col. 3, lines 1-25.

As per claim 24:

Lebda '594 further discloses:

wherein said network comprises the Internet. Col. 3, line 6.

As per claims 25 and 26:

The recitation " Computer-readable media ..." and " A memory storing for storing data ..." has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a method, a system, an apparatus, etc. and the portion of the claim following the preamble is a self-contained description of the method or the system, etc., not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951)

Lebda '594 discloses :

- (a) a buyer relation; Fig. 2.
- (b) a seller relation; Fig.2.
- (c) an order relation;
- (d) a credit provider relation; Fig.2

- (e) a credit terms relation; Col.4, lines 32-67.
- (f) a products relation; and
- (g) wherein the attributes of said relations are selected such that such relations form a relational database. Fig. 6-8.

Lebda '594 discloses the claimed invention except for specifically identifying an order relation and a products relation. Mandler '400 teaches that it is known in the art to provide an order relation and a products relation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the loan methods of Lebda '594 with an order relation and a products relation of Mandler '400, in order to identify the general nature of a business transaction to acquire an asset.

As per claim 27:

Lebda '594 discloses:

- (a) a buyer relation comprising attributes sufficient to uniquely describe said buyer and comprising at least one foreign key or having its key as a foreign key in another relation sufficient to capture said buyer relation's relationship with at least one other relation; Col. 3, lines 1-30.
- (b) a seller relation comprising attributes sufficient to uniquely describe said buyer and comprising at least one foreign key or having its key as a foreign key in another relation sufficient to capture said seller relation's relationship with at least one other relation; Col. 4, lines 42-67.

(c) a credit provider relation comprising attributes sufficient to uniquely describe said buyer and comprising at least one foreign key or having its key as a foreign key in another relation sufficient to capture said buyer relation's relationship with at least one other relation; Fig. 6-8.

(d) a credit terms relation comprising attributes sufficient to uniquely describe said buyer and comprising at least one foreign key or having its key as a foreign key in another relation sufficient to capture said credit terms relation's relationship with at least one other relation; Col. 6, lines 1-60.

(e) wherein the attributes of said relations are selected such that such relations form a relational database. Fig. 6-8.

As per claim 28.

Lebda '594 discloses:

(a) Receiving information about a buyer sufficient to evaluate the relative risk of extending credit to said buyer; Col. 3, lines 1-25.

(b) Determining said relative risk; Col. 3, lines 1-15.

(c) Determining a plurality of credit options for said buyer from a plurality of credit providers based on said relative risk determined in step (b); Fig. 6-8.

(d) Creating a database of said credit options for said buyer; Fig. 6-8.

(e) Wherein said database is constructed and adapted for querying, thereby resulting in a report of credit options for said buyer; Fig. 6-8.

(f) wherein said database is in communication with a network constructed and adapted for passing said report to said buyer or to an intermediary for passing to said buyer. Col. 3, line 6.

As per claim 31:

Lebda '594 further discloses:

wherein said network comprises the Internet. Col. 3, line 6.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

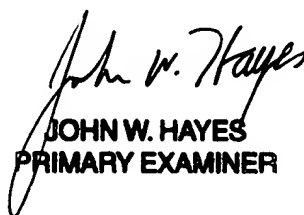
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DLG
August 6, 2003


JOHN W. HAYES
PRIMARY EXAMINER